

## Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. No claims have been amended, added or canceled. Thus, claims 1-19 are pending.

### CLAIM REJECTIONS - 35 U.S.C. § 103(a) – CLAIMS 1-3, 11 AND 12

Claims 1-3, 11 and 12 were rejected as being as being unpatentable over U.S. Patent No. 6,427,164 issued to Reilly (hereinafter “*Reilly*”) in view of U.S. Patent Application No. 2002/0042815 by Salzfass, et al. (hereinafter “*Salzfass*”). For at least the reasons set forth below, Applicants submit that claims 1-3, 11 and 12 are not rendered obvious by *Reilly* and *Salzfass*.

Applicants maintain the previous argument that *Reilly* teaches away from the invention as claimed in claims 1 and 11. With a filing date of September 19, 2001 *Salzfass* does not qualify as prior art. Therefore, *Salzfass* cannot be used to cure the deficiencies of *Reilly*. Thus, the cited references do not present a *prima facie* case of obviousness for claims 1-3, 11 and 12.

### CLAIM REJECTIONS - 35 U.S.C. § 103(a) – CLAIMS 4-10 AND 13-19

Claims 4-10 and 13-19 were rejected as being as being unpatentable over *Reilly* in view of *Salzfass* and further in view of Applicant’s Admitted Prior Art (*APA*). For at least the reasons set forth below, Applicants submit that claims 4-10 and 13-19 are not rendered obvious by *Reilly*, *Salzfass* and *APA*.

As discussed above, *Salzfass* does not qualify as prior art. Therefore, assuming *arguendo* that the characterizations of *Reilly* and *APA* in the Office Action are correct,

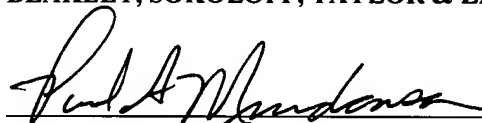
the resulting combination does not result in the claimed invention. Thus, the cited references to not present a *prima facie* case of obviousness for claims 4-10 and 13-19.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-19 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: OCT 21, 2004



Paul A. Mendonsa  
Reg. No. 42,879

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(503) 684-6200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on:

21 OCTOBER 2004

Date of Deposit

DEBORAH L. HIGHAM

Name of Person Mailing Correspondence

[Signature]

Signature

10-21-04

Date